



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 4.7.13	Subject: CONDITIONAL RELEASE OF DOC COMMITMENTS
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 8, plus 2 attachments
Section 7: Releases/Placement	Revision Date: May 8, 2003; Mar.19, 2003; Jan. 9, 2003; Oct. 16, 2002
Signature: /s/ Bill Slaughter	Effective Date: Feb 1, 2003; Aug. 28, 2002

I. POLICY:

It is the policy of the Department of Corrections to place offenders committed to the Department in the community on conditional release status after the offender has completed an appropriate program or period of incarceration.

II. IMPLEMENTATION:

This policy was last revised on May 8, 2003.

III. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads

41-5-206, MCA. Filing in District Court Prior to Formal Proceedings in Youth Court

41-5-1605, MCA. Revocation of Stay- in Extended Jurisdiction Prosecution

46-18-201, MCA. Sentences That May be Imposed

46-23-1023, MCA. Arrest of Alleged Parole Violator

46-24-203, MCA. Prompt Notification to Victims and Witnesses of Certain Offenders

53-1-203, MCA. Powers and Duties of Department of Corrections

53-30-111, MCA. Clothing and Money Furnished on Discharge or Parole

53-30-326, MCA. Escape from Custody

IV. DEFINITIONS:

Criminally Convicted Youth means a youth convicted in a District Court pursuant to 41-5-206, MCA.

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DOC Commitment means a commitment by the district court of an adult offender, or a criminally convicted youth, or extended jurisdiction youth, for placement in a state correctional facility or program operated by the Department or under the authority of the Department.

V. PROCEDURES:

When conditionally releasing DOC Commitments, the Department of Corrections will:

- Follow established procedures for the release and supervision of DOC Commitments; and
- Release only eligible offenders.

A. CONDITIONAL RELEASE TO COMMUNITY CORRECTIONS SUPERVISION FROM PRISON:

The procedures outlined in this section will be discontinued February 1, 2003, and will only apply to eligible prison offenders screened prior to February 1.

Prisons include Montana State Prison (MSP), Great Falls Regional Prison (GFRP), Dawson County Correctional Facility (DCCF), Crossroads Correctional Center (CCC-Shelby), and Montana Women's Prison (MWP) – except for the Billings Assessment and Sanction Center-BASC at MWP.

1. Only DOC committed offenders in prison who have been screened by both the Warden and the Director and have been approved, approved with stipulations, or denied with conditions for re-screening prior to February 1, 2003, will be eligible for a conditional release from prison to Community Corrections traditional supervision under the Parole and Probation Bureau after February 1, 2003. If any of these eligible offenders receive a severe rules violation prior to their conditional release they will become ineligible for further consideration.
2. No further initial screening of DOC commits in prison for conditional release will be conducted after February 1, 2003.

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3. Other than those offenders identified as eligible in paragraph 1 above, and offenders who are placed in prison solely for medical reasons, any DOC commitments in prison or entering prison from any source after February 1, 2003, can only be released from prison via a parole from the Montana Board of Pardons and Parole or by discharging their prison sentence.

4. Eligible offenders screened prior to February 1, 2003 include:

- a. Offenders committed to the Department and placed in a correctional facility or program.
- b. Offenders who are in pre-release, on ISP, or in prison in medium or minimum custody.
- c. Offenders who are serving a sentence for a Fourth Offense or subsequent DUI and are **not** serving the initial 13-month sentence.
- d. Offenders who have at least 60 days of conduct without a severe disciplinary infraction.
- e. Offenders who have formally violated conditions of parole or conditional release and have been sent back to prison for a minimum of four months from the date of the violation hearing.

5. Secure Facility Release Procedures for offenders screened prior to Feb. 1, 2003:

Wardens will recommend to the Director for conditional release eligible offenders in the order in which the offenders are due to discharge their sentences. The Director will release recommended eligible offenders until the prison population is within that for which the Legislature budgeted the Department.

Release Processing:

- a. The Institutional Probation and Parole Officer will follow Probation and Parole Standard Operating Procedure 150-6, Conditional Release of Inmates when processing a release request.
- b. The Institutional Probation and Parole Officer (IPPO) will complete and submit the DOC Transfer Form (attachment A) to obtain the written approval of the Warden.
- c. After review and recommendation, the Warden will forward the DOC Transfer Form (attachment A) to the Director for final approval/denial and signature.

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- d. The IPPO will forward the Placement Investigation Plan and Field File to the field officer. Probation & Parole Officers will have 5 working days to investigate the proposed plan, and notify the IPPO by E-mail or phone the results of the investigation. Any concerns relative to residence will be immediately communicated to the IPPO. The IPPO will address such concerns to the Warden. Employment will not be a consideration for rejection of the inmate coming into the community as a conditional release.
- e. The IPPO will coordinate the date of release between the Probation & Parole Office and the releasing facility.
- f. The IPPO will coordinate Victims Notifications, DNA Testing, Violent/Sexual Offender Registration, or Released Arsonist Reporting.

6. Notification:

The designated facility/program staff member(s) will notify the IPPO when an offender committed to the Department is to be conditionally released. The Record's Department staff will process victim notifications, Released Arsonist Reporting and other notification required by statute.

The IPPO will:

- Notify the person responsible for entering release information into the ACIS/PRO-Files electronic information system through the Admissions/Discharge Report (ADR).
- Notify the offender
- Send a memorandum or form, in accordance with Attachment B, Notice of Conditional Release to Supervisors, to all applicable entities, notifying them of the release date of the offender.
- Obtain the proper release forms and instruct the offender on the procedures to follow when being transferred. This must include the offender signing the conditions of conditional release, the travel permit and reporting instructions.
- Notify the Regional Administrator or Parole Officer II.

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7. Accounts and Gate Money:

The IPPO will notify the inmate accounts office of the date of release. A check for the balance in the offender's account and, when applicable, gate-money, will be available for the offender upon release.

8. Medical Clearance:

Medical staff will be notified to perform any necessary medical screening, any remaining medical treatment procedures, or to make necessary referrals for community medical follow-up. A temporary supply of critical prescription medication may be provided on a case-by-case basis in accordance with Department Policy 4.5.22, Continuity of Offender Health Care.

9. Records:

Files will be forwarded to the Records Office at MSP or MWP, and stored in accordance with Department policy 1.5.8, Offender Records Retention.

10. Personal Property:

When an offender is released from custody, all state property will be collected by the facility/program. Basic dress out clothing will be provided to offenders who were committed without salvageable or suitable clothing. The facility will provide the offender with his/her State issued Identification.

B. CONDITIONAL RELEASE TO COMMUNITY CORRECTIONS SUPERVISION FROM THE MISSOULA/BILLINGS ASSESSMENT & SANCTION CENTERS (MASC/BASC):

The MASC and BASC are assessment and sanction programs the department is currently developing at the

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Montana Women's Prison in Billings (BASC) and the former Missoula County Correctional Facility in Missoula (MASC). These conditional releases will be in accordance with Probation and Parole procedure 150-6, Conditional Release of DOC Offenders.

1. Only DOC commits and community corrections program jail sanctions will be admitted to MASC/BASC.
 - All DOC committed offenders, who are not placed in a PRC, ISP or TSCTC, will initially be admitted to MASC/BASC for screening and assessment.
 - Offenders who complete the requirements of the MASC/BASC programs (30 day – 120 day) will be transferred to appropriate community corrections programs which includes: Treasure State Correctional Training Center (TSCTC), Connections Corrections (CC), Prerelease Center (PRC), Intensive Supervision Program (ISP), or conditionally released to Probation and Parole Bureau supervision.
 - Those offenders who do not complete the programs or are determined inappropriate for community placement will be sent to prison.
 - After February 1, 2003 any offender sent to prison, other than solely for medical reasons, will not be eligible for conditional release.

2. DOC committed offenders who were placed in MASC prior to February 1, 2003 will be eligible for either parole or conditional release. Offenders, who enter MASC/BASC after February 1, 2003 and are transferred to community based corrections programs, will not be eligible for parole and can only be conditionally released.

3. Offenders currently in MASC who have been screened by both the Community Corrections Division Administrator/Warden and the Director and have been approved, approved with stipulations, or denied with conditions for re-screening prior to February 1, 2003, will be eligible for a conditional release from MASC. If any of these eligible offenders receive a severe rules violation prior to their conditional release or are sent to prison they will become ineligible for further consideration.

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4. The Jail Sanction Center within MASC/BASC will be a sanction center for community corrections programs. On February 1, 2003, these programs will be available for offenders sanctioned to "jail time" for violating conditions of parole, probation, ISP, PRC or conditional release.

C. CONDITIONAL RELEASE TO COMMUNITY CORRECTIONS SUPERVISION FROM PRC, ISP, TSCTC, CC, and WATCH.

1. DOC committed offenders who are in a PRC, ISP, TSCTC or CC on February 1, 2003 will be eligible for parole only if they have had previous Montana Board of Pardons and Parole (MBOPP) action on their current sentence. If the offender had no previous MBOPP action on their current sentence they will not be eligible for parole, but may be conditionally released.
2. After February 1, 2003 any offender admitted to the above Community Corrections programs who has been to prison on their current sentence, other than solely for medical reasons, cannot be conditionally released and can only be paroled by MBOPP or discharged.
3. After February 1, 2003, DOC committed offenders admitted to the above Community Corrections programs from MASC/BASC who have not been to prison on their current sentence will not be eligible for parole, but may be conditionally released.
4. To be conditionally released from the above programs, offenders must meet the established program eligibility requirements and criteria for conditional release and be approved by the designated program authority, Community Corrections Administrator and the Director. Conditional releases will be in accordance with Probation and Parole procedure 150-6, Conditional Release of DOC Offenders.
5. DOC committed offenders in WATCH who meet the eligibility criteria may be conditionally released

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after approval by the WATCH Institutional Probation and Parole Officer, Community Corrections Division Administrator and the Director.

6. Eligible offenders in WATCH who fail to complete the program and are sent back to prison will no longer be eligible for conditional release.

D. Community Supervision:

Inmates placed on Conditional Release Status may be placed in the Intensive Supervision Program (ISP), in a Prerelease center or supervised according to Probation and Parole Risk Assessment Scores.

E. Offender Status/Disciplinary/Escapes:

1. Pursuant to MCA 53-30-326, offenders on conditional release status who fail to remain within the extended limits of their confinement or fail to return within a specified time after they are given permission to leave a specific area, may be charged with escape and can be punished as specified in the escape Statute, MCA 45-7-306.
2. An offender who is on conditional release status who violates any rules of the conditional release is subject to a disciplinary hearing in accordance with Probation and Parole Standard Operating Procedure 140-1, Adult Offender Discipline and Disciplinary Hearings.
3. An offender who is found guilty of a disciplinary violation may be returned to a higher level of custody including prison custody.
4. Procedures for escape and apprehension are outlined in Probation and Parole Standard Operating Procedure 150-10, ISP and Conditional Release Inmate Escapes and in 100-2, Warrants to Arrest Parolees & DOC Offenders on ISP and PRC.

VI. CLOSING:

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Questions concerning this policy should be directed to the Warden or Community Corrections Division Administrator.



DEPARTMENT OF CORRECTIONS

DOC Transfer Form

NAME: _____ DOC ID#: _____

UNIT: _____ DISCHARGE DATE: _____

DOC SENTENCE INFORMATION

COUNTY OF COMMITMENT: _____ DATE OF COMMITMENT: _____

CURRENT OFFENSE: _____

RESIDENCE INFORMATION:

NAME OF PERSON RESIDING WITH: _____

RELATIONSHIP TO PERSON: _____

STREET ADDRESS: _____

CITY / STATE / ZIP CODE: _____

PHONE NUMBER: _____

TRAVEL INFORMATION:

NAME OF PERSON PICKING YOU UP: _____

RELATIONSHIP TO PERSON: _____

VEHICLE INFORMATION:

MAKE: _____ MODEL: _____

YEAR: _____ COLOR: _____

LICENSE NUMBER: _____

COMMENTS (SHOULD INCLUDE A BRIEF SUMMARY OF OFFENDER'S PROGRESS AND WHY HE/SHE IS BEING RECOMMENDED FOR THIS ACTION; OR ATTACH PROGRESS REPORT):

IPPO SIGNATURE

DATE

FACILITY/PROGRAM

☐ APPROVED ☐ DENIED

☐ APPROVED ☐ DENIED

WARDEN/CCD ADMINISTRATOR

DATE

DOC DIRECTOR

DATE

COMMENTS:



DEPARTMENT OF CORRECTIONS

Notice of Conditional Release to Supervision

TO: ALL CONCERNED

FROM: _____

SUBJECT: CONDITIONAL RELEASE TO SUPERVISION

DATE: _____

Please be advised the below listed Offender will be a *CONDITIONAL RELEASE*. The State Of Montana, Department of Corrections, Probation and Parole Bureau will provide supervision. He/she will be living at _____. The phone number is _____.

NAME	DOC ID #	UNIT	Pants	Shirt	Jacket
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Offender _____ will be picked up at _____ on _____ at about _____ hours, by _____.

Cc. (as applicable) Inmate Accounting, Transportation, Command Post, Security Major, Reception Officer, Property Officer, Hobby Director, Mental Health Services, Chemical Dependency Director, Education Director, Classification Manager, Unit Management Team, Count Office, Main Control, Lobby Officer, Records, Infirmary Med Room, Medical Records, Checkpoint.

